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ABSTRACT

Although the study of communication has been consistently recognized as a vital segment of legal training, it has not been universally adopted as part of the law school curriculum. A survey of 150 law schools was designed to determine the communication skills and training necessary for competent performance in both law school and professional practice. Of the 84 responding schools, 81 schools provided usable data. The findings of the survey confirmed the contention that some aspects of communication training are viewed as highly relevant to the formal education of an attorney. The five communication topics considered most important were basic argumentation, listening, principles of persuasion, interviewing, and structuring messages and speeches. These topics are generally taught in a variety of communication courses; but they are rarely applied to the legal setting in those classes, suggesting that the usual communication course may be inadequate preparation for prelaw students. (A bibliography on legal communication is attached.) (RL,

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COMMUNICATION TRAINING FOR PRE-LAW STUDENTS

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COMMUNICATION TRAINING

FOR PRE-LAW STUDENTS

There is an ancient association between communication and the law. Aristotle classified forensic, or courtroom, rhetoric as one of the three principle forms of public address. In the past decade, however, there has been an increased recognition that an attorney's communication skills must reach beyond the setting of the courtroom. This awareness has led to heightened attention to the communication training of future lawyers, with most of the interest in communication competence coming from within the legal system.

Part of the reason for a closer focus on communication activities must have come from the observed incompetence of some lawyers. Chief Justice Warren Burger has repeatedly questioned the fitness of a significant number of attorneys to practice in the courtroom. In rather colorful terms, one critic described the situation as "'Piper Cub' advocates trying to handle the controls of 'Boeing 747' litigation (Baird, 1978, p. 168)."

Realization of the importance of communication skills has also been evidenced by a number of surveys of law school alumni. After questioning the graduates of six law schools, Stevens reported that the respondents urged the teaching of certain lawyering skills including the ability to counsel and interview clients, to negotiate, and to arbitrate disputes (Stevens, 1973). Stern found that Toledo graduates encouraged training in the

ability to negotiate and general advocacy (Stern, 1972) California lawyers rated counseling and interviewing as essential skills for a legal practice (Schwartz, 1973). Benthall-Nietzel received similar recommendations from her survey of Kentucky lawyers (Benthall-Nietzel, 1975). Baird's survey of 1600 graduates of six law schools provided further proof of the significance of communication skills. The ability to be effective in oral communication was rated of great importance by 64 percent of the responding lawyers. Only the ability to analyze and synthesize law/facts was given a higher ranking (Baird, 1978).

Though consistently recognized as a vital segment of legal training, the study of communication has not become universally adopted into the law school curriculum. Stone's survey of 119 law schools found 87 percent of them reporting concern for the poor communication skills of their students, but few offered coursework beyond moot court training (Stone, 1978). In no instance was counseling, interviewing, negotiation or arbitration reported as the focus of classroom education. Undergraduate, or pre-law, education has also lacked an emphasis on the study of communication. An examination of college catalogs located fewer than a dozen course offerings that coordinated study of the law with communication. The content outlines of those few courses demonstrated minimal consistency of subject matter, reflecting diverse expectations of the communication needs of future lawyers.

Design of Study

After a review of seven available course outlines and other germane literature a list of 16 topics related to communication in legal settings was developed. Respondents were asked to rate the importance of each subject's inclusion in a communication course for pre-law students. A 5-point scale, ranging from (1) extremely important to (5) not important, was used to measure the respondent's attitudes toward each subject. Four spaces were left open for the respondents to suggest and rate other training needs. (See sample questionnaire.)

Copies of the questionnaire were mailed to 150 law schools accredited by the American Bar Association. Accompanying the form was a letter explaining the purpose of the study, to determine the skills training necessary for competent performance in both law school and professional practice, and requesting the participation of the dean of the school of law. Replies were received from 84 schools, providing a response rate of 56 percent. Three of the responding schools, however, did not complete the questionnaire. Letters from these schools indicated that such a communication course would be more appropriately taught at the school of law, rather than at an undergraduate level.

Results

The responses indicated that greater value is placed on the more traditional communication topics. Instruction in basic

argumentation, with a mean score of 1.34, was rated the most important subject. Of the 81 responses, 59 (73%) rated this as extremely important. None of the deans placed basic argumentation in the slightly important or not important categories, a distinction that this topic alone received.

Four other communication issues obtained mean scores below 2. Listening rated second with a mean of 1.54, and principles of persuasion followed at 1.71. Interviewing placed barely ahead of structuring messages/speeches with means of 1.92 and 1.94 respectively. For each of these subjects the material was most frequently evaluated as extremely important, though one or two deans found the subjects not to be important.

Mean scores below 3 were determined for seven of the remaining topics. The teaching of diction received a mean rating of 2.02, while training in the areas of credibility and ethos, counseling, and presenting messages/speeches were judged almost identically with means of 2.14, 2.15, and 2.17 respectively. Completing this group were principles of cross-examination at 2.67, nonverbal communication at 2.69, and audience analysis at 2.85. For the latter two the most frequent assessment was that the subjects were only somewhat important.

All four of the remaining communication areas had mean scores between 3 and 4. The mean for instruction in arbitration was 3.08, while group decision-making rated a mean of 3.25. The final two topics, involving training in the use of audio-visual techniques, received poor ratings. The use of videotape had a

mean of 3.28, while a mean of 3.34 was recorded for guidance in the use of visual aids. For both of these categories the most frequent response was that the topics were slightly important for inclusion in the course.

Summary

The findings of this survey confirm the contention that some aspects of communication training are viewed as highly relevant to the formal education of an attorney. The mean rating on all items was 2.37, while the extremely important category received 409 (33%) of the rankings. Clearly most of these communication issues are considered appropriate subjects for pre-law training. The topics found to be most important differ from some previous surveys, but this may be explained by the request to also evaluate the topics on their ability to contribute to effective participation in law school, not just professional practice.

While pre-law students have frequently enrolled in communication courses to develop the skills required to capably practice law, it is unlikely that any one course adequately satisfies this goal. Basic argumentation, listening, principles of persuasion, interviewing and structuring messages/speeches, the five most important topics, are generally taught in a variety of communication courses. Within these courses, applications to the legal setting are probably rare. Consequently, the usual communication course may be inadequate for pre-law students.

A primary objective of this survey was to assist in the design of a course in communication for pre-law majors. This list should provide prospective instructors with a sufficient inventory of communication topics to be addressed in such a course, since few of the deans suggested other communication skills to be improved by instruction. Aside from the development of the students' writing skills, no other subject was mentioned by more than one dean. The ratings by the deans should also allow instructors to determine the appropriate emphasis to be placed on each of the topics. Given this information and the expertise of communication faculty in furthering the development of these skills, it would appear that the discipline has much to offer those interested in a legal career.

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Please rate the importance of the following training areas for inclusion in a communication course for pre-law students.

1. Extremely important
2. Very important
3. Somewhat important
4. Slightly important
5. Not important

Arbitration	1	2	3	4	5
Audience analysis	1	2	3	4	5
Basic argumentation (issues, evidence)	1	2	3	4	5
Counseling	1	2	3	4	5
Credibility and ethos	1	2	3	4	5
Cross-examination	1	2	3	4	5
Diction	1	2	3	4	5
Group decision-making	1	2	3	4	5
Interviewing	1	2	3	4	5
Listening	1	2	3	4	5
Nonverbal communication	1	2	3	4	5
Presenting messages/speeches	1	2	3	4	5
Principles of persuasion	1	2	3	4	5
Structuring messages/speeches	1	2	3	4	5
Use of videotape	1	2	3	4	5
Use of visual aids	1	2	3	4	5
_____	1	2	3	4	5
_____	1	2	3	4	5
_____	1	2	3	4	5
_____	1	2	3	4	5

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